

Appl. No. 10/516,716
Amdt. Dated April 30, 2007
Reply to Office action of January 29, 2007
Attorney Docket No. P16904-US1
EUS/J/P/07-1108

Amendments to the Drawings:

The attached three (3) sheets of drawings include changes to Figures 1, 2 and 3; the figures have been amended to include a "Prior Art" legend.

Attachment: Submittal of Drawing Replacement Sheets

REMARKS/ARGUMENTS

1.) Examiner Objections – Drawings

The Examiner objected to Figure 1-3 as not including a "Prior Art" legend. Corrections to the drawings are shown on the enclosed sheets. The Examiner's approval of the drawing change is respectfully requested.

2.) Examiner Objections – Specification

The Examiner objected to the abstract of the disclosure on the basis that "it must be as concise as the disclosure permits." The Applicant has amended the abstract. The Examiner's consideration of the amended abstract is respectfully requested.

3.) Claim Rejections – 35 U.S.C. §102(b)

The Examiner rejected claims 29, 30, 49 and 50 as being anticipated by Jung (WO 01/56249). The Applicants traverse the rejections.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Jung fails to anticipate each and every limitation of claim 29, that claim is not anticipated thereby.

Claim 29 recites:

29. A method of failure avoidance when synchronizing a transceiver end and a receiver end by means of transmitted sequence numbers, wherein each sequence number is not necessarily error protected, and wherein a received sequence number considered erroneous according to a predetermined criterion is disregarded. (emphasis added).

The Applicant distinguished the teachings of Jung, which is commonly-owned with the present application, at page 6, line 20 *et seq.*, of the specification, noting that it teaches the use of "[m]issing sequence numbers . . . to detect lost data packets." (emphasis

added) In contrast, the presently-claimed invention is characterized by “disregarding” “a received sequence number considered erroneous according to a predetermined criterion.” (emphasis added) Jung fails to teach such evaluation of received sequence numbers, and disregarding thereof if considered erroneous in view of predetermined criteria. Therefore, whereas Jung fails to teach each and every limitation of claim 29, that claim is not anticipated thereby. Whereas claims 30, 49 and 50 are dependent from claim 29, and include the limitations thereof, they also are not anticipated by Jung.

4.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 31 and 32 as being unpatentable over Jung (WO 01/56249) in view of Shiu, *et al.* (US 2003/0036403); claims 33 and 34 as being unpatentable over Jung in view of Fuehrer, *et al.* (US 2004/0156462); and claims 35-48 as being unpatentable over Jung in view of Jiang, *et al.* (US 2002/0126629). The Applicants traverse the rejections.

As established *supra*, Jung fails to anticipate claim 29, because it fails to teach the evaluation of received sequence numbers, and disregarding thereof if considered erroneous in view of predetermined criteria. Shiu, Fuehrer and Jiang also fail to teach that claim limitation. Therefore, whereas claims 31-48 are dependent from claim 29, and include the limitations thereof, the Examiner has failed to establish a *prima facie* case of obviousness of those claims.

* * *

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 29-50.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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